

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**YULIA TYMOSHENKO, SCOTT SNIZEK,
CHRISTY GREGORY RULLIS and JOHN DOES 1
through 50,**
on behalf of themselves and all of those similarly situated,

Plaintiffs,

11-CV-2794 (KMW)

v.

**DMYTRO FIRTASH a/k/a DMITRY FIRTASH,
SEMYON MOGILEVICH, ARTHUR G. COHEN,
KAREN COHEN; BRAD S. ZACKSON, PAUL J.
MANAFORT, CMZ VENTURES, LLC, KALLISTA
INVESTMENTS LLC a/k/a CALISTER
INVESTMENTS LLC, THE DYNAMIC GROUP
a/k/a THE DYNAMIC FUND, BARBARA ANN
HOLDINGS LLC, VULCAN PROPERTIES, INC.,
GROUP DF, GROUP DF LIMITED, GROUP DF
FINANCE LIMITED, GROUP DF REAL ESTATE,
and JOHN DOES 1 through 100,**

Defendants.

**PLAINTIFFS' SECOND SUPPLEMENTAL MEMORANDUM OF LAW
PURSUANT TO THE COURT'S ORDER OF MARCH 6, 2014 (Dkt. 104)**

Dated: New York, New York
April 9, 2014

Kenneth F. McCallion
McCALLION & ASSOCIATES LLP
100 Park Avenue – 16th floor
New York, New York 10017
Tel. 646-366-0880
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**YULIA TYMOSHENKO, SCOTT SNIZEK,
CHRISTY GREGORY RULLIS and JOHN DOES 1
through 50,**

on behalf of themselves and all of those similarly situated,

Plaintiffs,

11-CV-2794 (KMW)

v.

DMYTRO FIRTASH et al,

Defendants.

**PLAINTIFFS' SECOND SUPPLEMENTAL MEMORANDUM OF LAW
PURSUANT TO THE COURT'S ORDER OF MARCH 6, 2014 (Dkt. No.104)**

After Plaintiffs' counsel submitted its Supplemental Memo of Law dated April 4, 2014, an additional document was received that plaintiffs' counsel believes is highly significant to this case and the pending motion.

The attached Memorandum dated July 1, 2008 (in both English and Russian) is from defendant Rick Gates, a former partner of Paul Manafort in the Davis Manafort firm and a principal of Pericles LLC, to Andrey Zagorskiy and Anton Vishnevsky, who, upon information and belief, are associates of Oleg Deripaska (referred to in the memo only as "Mr. D"). The memo summarizes a meeting between Paul Manafort and Oleg Deripaska the day before the memo was written, and a meeting held the prior month..

Upon information and belief, Deripaska is the Chairman of the Supervisory Board of the Russian company, Basic Element Company, and a member of the Board of Directors and CEO of United Company Rusal, the largest aluminum company in the world. Deripaska is reported to have an estimated net worth of US \$6.5 billion, placing him amongst the top 20 Russia oligarchs. *See* Rapoza, Kenneth, *Forbes* (Feb. 13, 2012),

“Russia’s Most Respected Billionaires,” (<http://www.forbes.com/profile/oleg-deripaska>).

In July 2006, while Deripaska was involved in a bid to buy the Daimler Chrysler Group, it was reported that the U.S. had cancelled his entry visa, alleged due to his alleged links with Russian organized crime. *See* Wolf, Jim (May 11, 2007), Reuters, “U.S. revoked Deripaska visa – State Dep’t Official.” Later, in 2009, Deripaska was reported as having been permitted entry into the U.S. on two occasions, during which time the *Wall Street Journal* reported that he met with FBI agents regarding a continuing criminal probe. *See Wall Street Journal*, Oct. 30, 2009). “Deripaska Accused U.S. of Blackmail.” On January 25, 2010, the *Financial Times* published an article that explored Deripaska’s business relations with Sergei Popov and Anton Malevsky, two Russian organized crime figures. *See* “Comment/Analysis – Rusal: A Linger Heat,” *Financial Times*, Jan. 25, 2010.

Plaintiffs believe this additional Memo is significant in that it confirms that Paul Manafort had direct contacts with high-level Russian figures who were, upon information and belief, under investigation by the FBI and the U.S. Dept. of Justice for alleged money laundering and other criminal activities within (and without) the U.S., and that Manafort, Gates and the other U.S. based defendants were directly conspiring to defraud Harry Macklowe, Fisher Construction, Alatau Hospitality and Inovalis Real Estate and other major players in the U.S.-based real estate, hotel development and construction fields with regard to the Drake Hotel/Bulgari Tower project in midtown Manhattan.

Dated: New York, New York
April 9, 2014

McCALLION & ASSOCIATES LLP

_____/s/_____
Kenneth F. McCallion (Bar # KFM-1591)
100 Park Ave, 16th floor
New York, NY 10017-5538
(646) 366-0880
Attorney for Plaintiffs